

Application/Control Number: 09/775,585
Art Unit: 2141

Docket No.: 1999-0735CIP

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 3-7, 9, 10, 14, 16-20, 22, 23 and 25-28 remain pending, claims 1, 3, 9, 14, 16, 18 having been amended, claims 2, 8, 11-13, 15, 21 and 24 having been previously canceled, and claims 25-28 having been added.

Rejection of Claims 1, 3-7, 9, 10, 14, 16-20, 22 and 23

On page 2 of the Office Action, the Examiner rejected claims 1, 3-7, 9, 10, 14, 16-20, 22 and 23 under Section 102(e) as being anticipated by U.S. Pat. No. 6,64,249 to Frerichs et al. ("Frerichs"). Applicants submit that amended claims 1 and 14 obviate the rejection.

Amended claim 1 is directed to a method for receiving performance information over a network for generating a pseudo-live performance. The method includes, among other things, detecting a need for performance information by determining that stored performance information is out-of-date.

Frerichs discloses a method for inserting advertisements into streaming audio for transmission over a computer network (see Abstract). However, Frerichs fails to disclose or suggest detecting a need for performance information by determining that stored performance information is out-of-date, as required by amended claim 1 and dependent claims 3-7, 9 and 10.

Because Frerichs fails to disclose each and every feature of claim 1 and dependent claims 3-7, 9 and 10, Applicants submit that these claims are not anticipated by Frerichs and respectfully request that the rejection of claims 1, 3-7, 9 and 10 be withdrawn.

Amended independent claim 14 is similar to claim 1 and is not anticipated by Frerichs for at least reasons similar to those discussed with respect to claim 1. Therefore, Applicants

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respectfully request that the rejection of claim 14 and dependent claims 16-20, 22 and 23 be withdrawn.

New Claims 25-28

New claims 25-28 depend from claim 1 or claim 14 and are not anticipated by Frerichs for at least the reasons discussed with respect to claim 1 or claim 14. Claims 27 and 28 further require that the performance information include multimedia performance information. This feature is not disclosed or suggested by Frerichs.

CONCLUSION

Having addressed the rejection of all claims, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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By: /Richard C. Irving/

Correspondence Address:
Samuel H. Dworetsky
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

Richard C. Irving
Attorney for Applicants
Reg. No. 38,499
Phone: 410-414-3056
Fax No.: 410-510-1433